

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Joshua L. Sutherland
Sarah M. Sutherland**
Debtor(s)

Bankruptcy Case No.: 19-22799-CMB
Issued Per Sep. 16, 2019 Proceeding
Chapter: 13
Docket No.: 31 - 19
Concil. Conf.: January 30, 2020 at 11:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 8, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jan. 30, 2020 at 11:30 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Nissan Motor Acceptance at Claim No. 1; Ford Motor Credit at Claim No. 5 .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: September 19, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Joshua L. Sutherland
 Sarah M. Sutherland
 Debtors

Case No. 19-22799-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 40

Date Rcvd: Sep 19, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 21, 2019.

db/jdb +Joshua L. Sutherland, Sarah M. Sutherland, 412 Labrador Lane, Clairton, PA 15025-5243
 15118157 +ACAR Leasing LTD d/b/a GM Financial Leasing, PO Box 183853, Arlington, TX 76096-3853
 15087154 Advanced Dermatology & Cosmetic Surgery, PO Box 864046, Orlando, FL 32886-4046
 15087156 +Borough of Jefferson Hills, Josephine Lipnicky, Tax Collector, PO Box 826,
 Clairton, PA 15025-0826
 15087159 +CB/Jared, PO Box 182789, Columbus, OH 43218-2789
 15087160 CBCS, PO Box 2724, Columbus, OH 43216-2724
 15087161 +Cenlar, PO Box 77404, Ewing, NJ 08628-6404
 15101312 +Colleen Daniels, Aegis Realty Partners, Inc., 1301 Grandview Ave.,
 Trimont Plaza, Suite 1136, Pittsburgh, PA 15211-4204
 15087162 +Commercial Acceptance Co, 2300 Gettysburg Road, Suite 102, Camp Hill, PA 17011-7303
 15103003 ++FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180
 (address filed with court: Ford Motor Credit Company LLC, PO Box 62180,
 Colorado Springs, CO 80962-2180)
 15087166 +Ford Motor Credit, P.O. Box 542000, Omaha, NE 68154-8000
 15101317 +Ford Motor Credit, P.O. Box 54200, Omaha, NE 68154-8000
 15087167 +Jefferson Cardiology, 1633 Route 51, Suite 103, Clairton, PA 15025-3652
 15087168 +Jefferson Hills School District, Josephine Lipnicky, Tax Collector, PO Box 826,
 Clairton, PA 15025-0826
 15101319 +Jefferson Hills School District & Boroug, Josephine Lipnicky, Tax Collector, PO Box 826,
 Clairton, PA 15025-0826
 15087169 MedFinancial, 1 1st Tennessee Bank, Dept. #888183, Knoxville, TN 37995-8183
 15091542 Nissan Motor Acceptance, POB 660366, Dallas, TX 75266-0366
 15087170 Nissan-Infiniti LT, PO Box 660366, Dallas, TX 75266-0366
 15087172 +State Collection Service, 2509 S. Stoughton Road, Madison, WI 53716-3314
 15087174 SynchronyMC/SYNCRB, PO Box 530939, Atlanta, GA 30353-0939
 15123503 UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
 15123509 UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123
 15087176 US Department of Education, PO Box 740283, Atlanta, GA 30374-0283

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr +E-mail/Text: kbukrley@bernsteinlaw.com Sep 20 2019 02:32:15 Duquesne Light Company,
 c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945

cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 20 2019 02:43:53
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15087155 +E-mail/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM Sep 20 2019 02:31:11
 Americredit/GM Financial, PO Box 181145, Arlington, TX 76096-1145
 15087157 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Sep 20 2019 02:44:15 Capital One,
 P.O. Box 30281, Salt Lake City, UT 84130-0281
 15087158 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Sep 20 2019 02:44:16 Capital One,
 P.O. Box 71083, Charlotte, NC 28272-1083
 15099580 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Sep 20 2019 02:44:15
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083,
 Charlotte, NC 28272-1083
 15087164 E-mail/Text: mrdiscen@discover.com Sep 20 2019 02:31:01 Discover, PO Box 3008,
 New Albany, OH 43054-3008
 15087165 E-mail/Text: mrdiscen@discover.com Sep 20 2019 02:31:01 Discover Financial Services,
 PO Box 15316, Wilmington, DE 19850
 15087163 +E-mail/Text: electronicbkydocs@nelnet.net Sep 20 2019 02:31:53 Dept of Ed / NELNET,
 3015 Parker Road, Suite 400, Aurora, CO 80014-2904
 15094144 E-mail/Text: mrdiscen@discover.com Sep 20 2019 02:31:01 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 15087171 +E-mail/PDF: clerical@simmassociates.com Sep 20 2019 02:44:17 Simm Associates, Inc.,
 800 Pencader Drive, Newark, DE 19702-3354
 15087173 +E-mail/PDF: gecsedirecoverycorp.com Sep 20 2019 02:43:18 Synch/Mc, PO Box 965005,
 Orlando, FL 32896-5005
 15088314 +E-mail/PDF: gecsedirecoverycorp.com Sep 20 2019 02:43:18 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15124382 +E-mail/PDF: gecsedirecoverycorp.com Sep 20 2019 02:43:19 Synchrony Bank,
 c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021
 15087175 +E-mail/Text: BankruptcyNotice@upmc.edu Sep 20 2019 02:32:10 UPMC, 2 Hot Metal Street,
 Dist. Room 386, Pittsburgh, PA 15203-2348
 15097729 +E-mail/Text: electronicbkydocs@nelnet.net Sep 20 2019 02:31:53
 US Department of Education c/o Nelnet,, 121 South 13th Street, Suite 201,,
 Lincoln, NE 68508-1911
 15122868 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Sep 20 2019 02:44:26 Verizon,
 by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457

TOTAL: 17

District/off: 0315-2

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 40

Date Rcvd: Sep 19, 2019

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr
15101305* Pingora Loan Servicing, LLC
15101306* Advanced Dermatology & Cosmetic Surgery, PO Box 864046, Orlando, FL 32886-4046
15101309* +Americredit/GM Financial, PO Box 181145, Arlington, TX 76096-1145
15101310* +CB/Jared, PO Box 182789, Columbus, OH 43218-2789
15101310* CBCS, PO Box 2724, Columbus, OH 43216-2724
15101307* Capital One, P.O. Box 30281, Salt Lake City, UT 84130-0281
15101308* Capital One, P.O. Box 71083, Charlotte, NC 28272-1083
15101311* +Cenlar, PO Box 77404, Ewing, NJ 08628-6404
15101313* +Commercial Acceptance Co., 2300 Gettysburg Road, Suite 102, Camp Hill, PA 17011-7303
15101315* ++DISCOVER FINANCIAL SERVICES LLC, PO BOX 3025, NEW ALBANY OH 43054-3025
(address filed with court: Discover, PO Box 3008, New Albany, OH 43054-3008)
15101316* ++DISCOVER FINANCIAL SERVICES LLC, PO BOX 3025, NEW ALBANY OH 43054-3025
(address filed with court: Discover Financial Services, PO Box 15316, Wilmington, DE 19850)
15101314* +Dept of Ed / NELNET, 3015 Parker Road, Suite 400, Aurora, CO 80014-2904
15101318* +Jefferson Cardiology, 1633 Route 51, Suite 103, Clairton, PA 15025-3652
15101320* MedFinancial, 1 1st Tennessee Bank, Dept. #888183, Knoxville, TN 37995-8183
15101321* Nissan Infiniti LT, PO Box 660366, Dallas, TX 75266-0366
15101322* +Simm Associates, Inc., 800 Pencader Drive, Newark, DE 19702-3354
15101323* +State Collection Service, 2509 S. Stoughton Road, Madison, WI 53716-3314
15101324* +Syncb/Mc, PO Box 965005, Orlando, FL 32896-5005
15101325* SynchronyMC/SYNCB, PO Box 530939, Atlanta, GA 30353-0939
15101326* +UPMC, 2 Hot Metal Street, Dist. Room 386, Pittsburgh, PA 15203-2348
15101327* US Department of Education, PO Box 740283, Atlanta, GA 30374-0283

TOTALS: 1, * 20, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 21, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 19, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Pingora Loan Servicing, LLC bkgroup@kmlawgroup.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com
Matthew M. Herron on behalf of Joint Debtor Sarah M. Sutherland mmh@thedebedtactors.com,
hgs@thedebedtactors.com/alb@thedebedtactors.com
Matthew M. Herron on behalf of Debtor Joshua L. Sutherland mmh@thedebedtactors.com,
hgs@thedebedtactors.com/alb@thedebedtactors.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 6